

REMARKS

The Examiner objected to the claims as not showing the “concave” bottom in claims 9, 10 and 18. The Examiner objected to claim informalities in claims 1, 13 and 18 due to the Applicant’s use of the term “near”. The Examiner rejected claims 1, 7-11, 13, 16, 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Evert (U.S. Patent No. 1,631,802) in view of Staas (U.S. Patent No. 6,047,499). The Examiner rejected claims 3-6, 14, 15 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Evert in view of Staas as applied to claims 1, 11, 13 and 18 above, and further in view of Gibson (U.S. Patent No. 117,766). The Examiner rejected claims 12, 17 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Evert in view of Staas as applied to claims 1, 11, 13 and 18 above, and further in view of Yaws (U.S. Patent No. 2,989,205). In response, the Applicant has amended the claims as suggested by the Examiner. The Applicant believes the amendments made in response to the Examiner’s rejections have placed the application in position for allowance.

Drawings

Applicant is cancelling claims 9 and 10, and amending claim 18 to remove the “concave” language. No new drawings are submitted with this amendment.

Amendments to the Claims

1) Claims 1, 13 and 18:

Applicant has amended claims 1, 13 and 18, the independent claims to positively claim the combination of a drainage tray and a plant pot and to identify the base member drainage orifice being at the intersection of the bottom and one of the one or more side walls. In addition, as to claim 18, the Applicant has amended claim 18 to remove the concave bottom description and rewrite that portion of the claim to correspond with claims 1 and 13.

1           2) Claims 9 and 10:

2                   Applicant is cancelling claims 9 and 10.

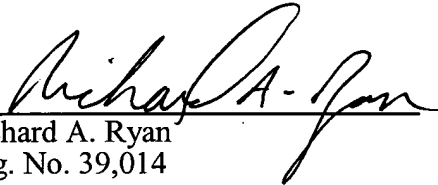
3                   In light of the above amendments, Applicant respectfully requests the Examiner to  
4 withdraw the rejection of the claims presently pending in the subject patent application.

5                   Applicant's original application included fees for three independent claims and a total of  
6 twenty claims. No claims are being added and none are being deleted, therefore, no additional fees for  
7 claims are believed due.

8                   In view of the foregoing, it is submitted that this application is in condition for allowance.  
9 Reconsideration of the rejections and objections in light of this Amendment is requested. Applicant  
10 believes that the amended claims are in condition for allowance. Allowance of claims 1 and 3-21 is  
11 respectfully solicited.

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13           Dated: September 6 2005

14                   Respectfully Submitted,

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